

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

COBBLER NEVADA, LLC,

Plaintiff,

v.

THOMAS GONZALES,

Defendant.

Case No.: 3:15-cv-00866-ST

STIPULATED CONSENT JUDGMENT

STIPULATED CONSENT JUDGMENT

As attested to by the signatures below, this matter comes before the Court on the parties' joint stipulation.

Plaintiff Cobbler Nevada, LLC has filed a Complaint against the defendant in the Oregon district court for copyright infringement, 17 U.S.C. §§101, et seq, for the unlicensed copying, promotion and distribution of plaintiff's motion picture titled The Cobbler, registered with the United States Copyright Office, Reg. No. PAu 3-744-688, 2014.

After initial discovery and investigation, defendant, initially identified as DOE-24.21.136.125 has been affirmatively identified as Thomas Gonzales or Portland, Oregon, and as the proper defendant in this matter.

The parties, after conferral and investigation, now appear to fully and finally resolve all claims between the parties and the matters before the Court and have moved for entry of this Stipulated Consent Judgment to effect the terms of their settlement.

WHEREFORE IT IS HEREBY STIPULATED AND ORDERED for all matters relevant to this case between the parties as follows:

1. This court has jurisdiction over the parties and venue is proper.
2. Plaintiff Cobbler Nevada, LLC has valid and enforceable copyrights in the original copyrighted work, The Cobbler, (“motion picture”) registered with the United States Copyright Office, Reg. No. PAu 3-774-688, 2014.
3. Thomas Gonzales, formerly identified as DOE-24.21.136.125, is the proper named defendant in this case liable under plaintiff’s claims.
4. Plaintiff and Thomas Gonzales expressly consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders, including this stipulation or any other final judgment or orders arising therefrom.
5. Thomas Gonzales has been advised to obtain independent counsel and has been given opportunity to obtain independent counsel.
6. Thomas Gonzales has fully reviewed the Complaint and the allegations of the Complaint and specifically admit plaintiff’s investigations identifying the IP address used by the defendant, were accurate, in particular in accurately identifying the 67.189.7.71 IP address as the IP address used by defendant to download and distribute plaintiff’s motion picture identified with the Complaint.
7. With this matter, on compliance with the terms of the below Permanent Injunction,

plaintiff waives all claims to costs, fees and damages.

8. To settle this matter the parties further agree and require pursuant to the settlement the below Permanent Injunction be entered against Thomas Gonzales.

PERMANENT INJUNCTION

Thomas Gonzales is hereby PERMANENTLY ENJOINED from directly, contributorily or indirectly infringing plaintiff's rights in their motion pictures, including without limitation by using the internet to reproduce or copy any plaintiff owned or branded motion pictures, to distribute any plaintiff owned or branded motion pictures, or to make plaintiff owned or branded motion pictures available for distribution to the public, except pursuant to a lawful written license from plaintiff;

Thomas Gonzales is hereby directed to immediately delete all unlicensed content in which plaintiff has any rights or interest, together with any and all BitTorrent clients on any computer(s) he owns or controls together with all other software used to obtain media through the Internet by peer-to-peer transfer or exchange; and

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Thomas Gonzales is hereby PERMANENTLY ENJOINED from directly, contributorily or indirectly participating or facilitating in peer-to-peer BitTorrent file exchanges without an express written license from all rights holders as to specific content exchanged.

SO ORDERED, this day: _____.

United States Judge

So Stipulated and Respectfully Submitted:

Defendant:

On Behalf of Plaintiff:

Thomas Gonzales
12567 SE Bush St.
Portland, OR 97236

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